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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,532	03/30/2004	Weiwen Zhu	IDF 2667 (4000-18800)	3300
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,532

Applicant(s)

ZHU, WEIWEN

Examiner

Saeed S. Mirzadegan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

1. I. Claims 1-11, 23-26, drawn to system for accessing content secured according to differing digital rights management protocols, classified in class 709, subclass 709/229.
2. II. Claims 12-22, drawn to wirelessly downloading computer programs, classified in class 717, subclass 173.
3. The inventions are distinct, each from the other because of the following reasons:
4. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as facilitating accessing to digital content protected with Digital Rights Management protocols. Invention II has a separate utility such as downloading applications to be executed on a wireless mobile device. See MPEP § 806.05(d).
5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
6. During a telephone conversation with Steven Funk, Reg. No. 35,875 on 03 October 2003 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-11 & 23-26. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-22 withdrawn from further

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consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's own Admitted Prior Art (APA) in view of Arai (Arai) US PG Pub. No. 2004/0032881, and further in view of Panasyuk et al. (Panasyuk) US PG Pub. No. 2003/0163569.

9. Regarding Claim 1, APA discloses a system comprising: a client component operable on the device to use a first content according to a first protocol (see e.g. Fig. 1, ORDL Client 12); a first content server operable to receive a request for the first content and to provide the first content for use by the client component according to the first protocol (see e.g. Fig. 1, ORDL Content Server 16); a second content server operable to receive a request for a second content and to provide the second content according to a second protocol (see e.g. Fig. 1, XrML Server 22). However, APA does not explicitly teach: a device operable for presentation of content; a mediation component in communication with the client component and the second content server, the mediation component operable to receive requests from the client component for the second content and receive the second content from the second server in the second protocol and map the second content according to the first protocol for use by the client component.

10. In the same field of endeavor, Arai teaches (see e.g. Page 2, ¶0020, lines 4-9, Fig. 2, 202) mediation component.

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11. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Arai's teachings as discussed above with the teachings of APA, for the purpose of overcoming the difficulty of implementing all of the necessary stacks in a node with a small memory footprint (see ARAI, ¶ 0008). APA provides motivation to do so (see APA, page 2, ¶0007).

12. In the same field of endeavor, Panasyuk teaches (see e.g. Page 1, ¶0018, lines 1-6) a device operable for presentation of content.

13. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Panasyuk's teachings as discussed above with the teachings of APA, for the purpose of authenticating a client to a content server for secure delivery of content (see Panasyuk, ¶ 0008). APA provides motivation to do so (see APA, page 2, ¶0007).

14. Regarding Claim 2, APA, Arai and Panasyuk disclose the invention substantially as claimed. APA further discloses a first license server in communication with the mediation component and operable to receive a request for a first license and to provide the first license for the client component to use the first content (see e.g. Fig. 1, ORDL license server 14). However APA does not explicitly teach the mediation component and the first license server to receive a first usage report in accordance with the first protocol.

15. In the same field of endeavor, Arai teaches (see e.g. Page 2, ¶0020, lines 4-9, Fig. 2, 202) mediation component, (see e.g. ¶0026, information sent to table 300).

16. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Arai's teachings as discussed above with the teachings of APA, for the purpose of overcoming the difficulty of implementing all of the necessary stacks in a node with a small memory footprint (see ARAI, ¶ 0008). APA provides motivation to do so (see APA, page 2, ¶0007).

17. Regarding Claim 3, APA, Arai and Panasyuk disclose the invention substantially as claimed. APA further discloses a second license server in communication with the mediation component and operable to receive a request for a second license and to provide the second license for the client component to use the second content, (see e.g. Fig. 1, XrML license server 20). However APA does not explicitly teach the mediation component and the second license server to receive a second usage report in accordance with the second protocol.

18. In the same field of endeavor, Arai teaches (see e.g. Page 2, ¶0020, lines 4-9, Fig. 2, 202) mediation component, (see e.g. ¶0026, information sent to table 300).

19. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Arai's teachings as discussed

above with the teachings of APA, for the purpose of overcoming the difficulty of implementing all of the necessary stacks in a node with a small memory footprint (see ARAI, ¶ 0008). APA provides motivation to do so (see APA, page 2, ¶0007).

20. Regarding Claim 4, APA, Arai and Panasyuk disclose the invention substantially as claimed. However APA does not explicitly teach the mediation component.

21. In the same field of endeavor, Arai teaches (see e.g. Page 2, ¶0020, lines 4-9, Fig. 2, 202) mediation component.

22. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Arai's teachings as discussed above with the teachings of APA, for the purpose of overcoming the difficulty of implementing all of the necessary stacks in a node with a small memory footprint (see ARAI, ¶ 0008). APA provides motivation to do so (see APA, page 2, ¶0007).

23. Regarding Claim 5, APA, Arai and Panasyuk disclose the invention substantially as claimed. APA further discloses the first protocol is the extensible right markup language (see e.g. Fig. 1, XrML Protocol) and the second protocol is the open digital rights language (see e.g. Fig. 1, ORDL Protocol).

24. Regarding Claim 6, APA, Arai and Panasyuk disclose the invention substantially as claimed. However APA does not explicitly teach a wireless device.

25. In the same field of endeavor, Panasyuk teaches (see e.g. Page 2, ¶0018, lines 1-6, Fig. 2, 202).

26. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Panasyuk's teachings as discussed above with the teachings of APA, for the purpose of authenticating a client to a content server for secure delivery of content (see Panasyuk, ¶0008). APA provides motivation to do so (see APA, page 2, ¶0007).

27. Regarding Claim 7, APA, Arai and Panasyuk disclose the invention substantially as claimed. However APA does not explicitly teach at least a portion of communication between the mediation component and the device is accomplished wirelessly.

28. In the same field of endeavor, Panasyuk teaches (see e.g. Page 3, ¶0034, lines 1-5, Fig. 2, 202) wireless communication.

29. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Panasyuk's teachings as discussed above with the teachings of APA, for the purpose of authenticating a client to a content

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server for secure delivery of content (see Panasyuk, ¶ 0008). APA provides motivation to do so (see APA, page 2, ¶0007).

30. Regarding Claim 8, APA, Arai and Panasyuk disclose the invention substantially as claimed. However APA does not explicitly teach the first content and the second content are further defined to be selected from the group consisting of text, audio, video, music, audio/video, and encrypted contents.

31. In the same field of endeavor, Panasyuk teaches (see e.g. Page 2, ¶0024, lines 1-3) audio/video content.

32. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Panasyuk's teachings as discussed above with the teachings of APA, for the purpose of authenticating a client to a content server for secure delivery of content (see Panasyuk, ¶ 0008). APA provides motivation to do so (see APA, page 2, ¶0007).

33. Regarding Claim 9, all the limitations have been addressed above.

34. Regarding Claim 10, all the limitations have been addressed above.

35. Regarding Claim 11, all the limitations have been addressed above.

Claim Rejections - 35 USC § 103

36. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Arai in view of Panasyuk and further in view of Guck (Guck), US Pat. No. 5848415.

37. Regarding Claim 23 APA, Arai and Panasyuk disclose the invention substantially as claimed. However, APA-Arai-Panasyuk do not explicitly teach: a multi-protocol content server in communication with the first and second client components and operable to receive a first request for content from the first client component according to the first protocol and to return the content to the first client component according to the first protocol, the multi-protocol content server further operable to receive a second request for the content from the second client component according to the second protocol and to return the content to the second client component according to the second protocol.

38. In the same field of endeavor, Guck teaches (see e.g. Fig. 1, 50, col. 2, lines 28-29 & lines 37-40, & col. 13, lines 11-17) Multi protocol content server in communication with various clients classifier.

39. It would have been obvious to one of ordinary skill in the networking art at the time the applicant's invention was made to combine Guck's teachings as discussed above with the teachings of APA, for the purpose of providing content to users with

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differing protocols and format requests (see Guck, col. 4, lines 34-44). APA provides motivation to do so (see APA, page 2, ¶0007).

40. Regarding Claim 24, APA, Arai, Panasyuk and Guck disclose the invention substantially as claimed. APA further discloses a first license server operable to receive a request for a first license associated with the content in the first protocol and to return the first license in accordance with the first protocol (see e.g. Fig. 1, ORDL license server 14); and a second license server operable to receive a request for a second license associated with the content in the second protocol and to return the second license in accordance with the second protocol (see e.g. Fig. 1, XrML license server 20).

41. Regarding Claim 25, APA, Arai, Panasyuk and Guck disclose the invention substantially as claimed. APA further discloses the first and the second protocol are selected from the group consisting of open data rights language, extensible right markup language, Sony digital rights management, and Apple Computer digital rights management protocols (See e.g. Fig.1) ORDL and XrML protocols.

42. Regarding Claim 26, APA, Arai, Panasyuk and Guck disclose the invention substantially as claimed. Panasyuk further discloses the content is selected from the group consisting of text, audio, video, music, audio/video, and encrypted contents (see e.g. Page 2, ¶0024, lines 1-3) audio/video content.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed S. Mirzadegan whose telephone number is 571-270-3044. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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